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10/567,739	03/27/2006	Makoto Noami	2006_0106A	7704
513 7590 03/03/2011 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
BUE-HATCHER, NICOLE M				
ART UNIT		PAPER NUMBER		
1767				
NOTIFICATION DATE		DELIVERY MODE		
03/03/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ADVISORY ACTION

Response to Amendment

The amendment filed 02/11/2011 has not been entered. The proposed changes for claims 28 and 31 changes the scope of claims 29 and 32 which depend on these claims, respectively. The medicine, an animal drug, an agricultural chemical, a fertilizer or a food would have to be coated with the solvent and copolymer. Therefore, the proposed changes would require further search and/or consideration. Claims 12, 14, 22, and 28-33 remain pending.

Response to Arguments

Applicant's arguments filed 02/11/2011 have been fully considered but they are not persuasive. The following comment(s) apply:

A) Applicant's argument that Hoshi et al. does not disclose a copolymer wherein the polymerizable vinyl monomer consists of acrylic acid and methyl methacrylate (page 5) is not persuasive. In Synthesis Example 1, methacrylic acid and methyl methacrylate are used. It is easily envisaged to substitute methacrylic acid with acrylic acid as those are the more preferred monomers [0033]. In respect to the arguments in respect to viscosity, one of ordinary skill in the art would interchange methacrylic acid with acrylic acid as those are preferred monomers per the teachings of Hoshi et al.

B) Applicant's showing of unexpected results (pages 5 and 6) is not persuasive. The data is submitted after final rejection and Applicant has not provided any sufficient reason why the evidence was not presented earlier. Furthermore, evidence of secondary considerations, such as

unexpected results or commercial success, is irrelevant to 35 U.S.C. 102 rejections and thus cannot overcome a rejection so based. In re Wiggins, 488 F.2d 538, 543, 179 USPQ 421, 425 (CCPA 1973). See MPEP § 2131.04.

C) Applicant's argument that claims 12 and 14 recite a copolymer consisting of a partially hydrolyzed polyvinyl alcohol, a polymerizable vinyl monomer consists of acrylic acid (page 7) is not persuasive. Hoshi teaches the claimed copolymer. The copolymer wherein the acrylic acid is used instead of methacrylic acid with methyl methacrylate is easily envisaged. Since there are no other components in the copolymer, the copolymer consists of a partially hydrolyzed polyvinyl alcohol, acrylic acid, and methyl methacrylate as required by said claims. The instant claims do not exclude a partially hydrolyzed polyvinyl alcohol with -SH on the ends.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE M. BUIE-HATCHER whose telephone number is (571)270-3879. The examiner can normally be reached on Monday-Thursday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571)272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. M. B./
Examiner, Art Unit 1767
2/24/2011

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1767